REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 31-60 were pending. Claims 31-38, 41-48, 51-58 were rejected. In this response, no claim has been canceled. Claims 31, 39, 41, 49, 51, and 59 have been amended. Specifically, claims 39, 49, and 59 have been amended as independent claims including substantially all limitations of their respective base and intervening claims. Thus, claims 39, 49, and 59 are allowable.

Applicant acknowledges with appreciation the allowance of claims 39-40, 49-50, and 59-60. However, at this time, Applicant elects not to place the limitations of the allowed claims into their corresponding independent claims because Applicant respectfully believes that the revised independent claims are in condition for allowance. No new matter has been added.

Claims 31-38, 41-48, 51-58 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,622,200 by Hasbun et al. (hereinafter "Hasbun"). Applicant hereby reserves the right to swear behind Hasbun in the subsequent prosecution of the present application.

It is respectfully submitted that claims 31-38, 41-48, and 51-58 include limitations that are not disclosed by Hasbun. Specifically, independent claim 51 as amended recites as follows:

> 51.   A data storage system, comprising:
>   a processor;
>   a memory coupled to the processor;
>   a machine executable code, when executed by the processor from the memory,
>   causes a data object manager to
>   receive an instruction for updating a file having a plurality of fragments
>   stored in the memory, the instruction including changed data for
>   updating a first fragment of the file,

create a second fragment based on the first fragment and the changed data, the second fragment representing an updated version of the first fragment,

copy a first table associated with the first fragment to form a second table, the second table having a handle referencing the second fragment, and

delete the first fragment when the creating and copying operations are completed,

process further accesses to the deleted first fragment using the second fragment via the second table.

(Emphasis added)

Independent claim 51 includes a data object manager to receive an instruction to update a first fragment of a file with changed data and create a second fragment based on the first fragment and the changed data, which represents an updated version of the first fragment. In addition, a second table is formed by copying the content from the first table associated with the first fragment, where the second table references the second fragment. Thereafter, the first fragment is deleted and subsequent access to the first fragment is handled by the second fragment. It is respectfully submitted that the above limitations are absent from Hasbun. Therefore, for the reasons discussed above, it is respectfully submitted that independent claim 51 is not anticipated by Hasbun.

Similarly, independent claims 31 and 41 include limitations similar to those recited in claim 51. Thus, for the reasons similar to those discussed above, independent claims 31 and 41 are not anticipated by Hasbun.

Given that dependent claims 32-38, 42-48, and 52-58 depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that claims 32-38, 42-48, and 52-58 are not anticipated by Hasbun. Withdrawal of the rejections is respectfully requested.
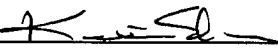
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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